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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,071	08/21/2003	Todd A. Goldstein	COS-03-003	6959

7590 10/06/2005
WORLDCOM, INC.
Technology Law Department
1133 19th Street, N.W.
Washington, DC 20036

EXAMINER

SMITH, CREIGHTON H

ART UNIT PAPER NUMBER

2645

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,071

Applicant(s)

GOLDSTEIN ET AL.

Examiner

Creighton H. Smith

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July '05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29, 31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-29 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 31, 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akinpelu '792 in view of Bergman et al '772.

Fig. 3 of Akinpelu & in col. 3, lines 55-65, shows in Step 303 a determination of whether a geographic number (location) portability is in use in the region where the phone call is made. If so, then a local database will return (from a query made to it by a switch) a preferred carrier. Akinpelu shows that the database consulted (952) with the routing query is also known as a SCP, see Fig. 9. In col. 4, lines 15-23, Akinpelu et al disclose that if the preferred carrier is not available (Step-313), then at Step-317 a determination is made whether the subscriber has specified an alternate carrier. If so, the call is routed to the alternate carrier for completion. Akinpelu et al never specifically mention that one of the reasons for rerouting their phone call from a local exchange carrier onto an alternate carrier, such as the cable TV carrier, is to avoid long distance/toll charges. However, Bergman et al disclose in cols. 6 & 21, lines 23-24 & 33-36, that in order to avoid toll charges, their phone call could be placed over Internet protocol (VoIP). To have used Bergman's teaching of routing a phone call over VoIP in order to avoid long distance toll charges in Akinpelu et al apparatus would have been obvious to a person having ordinary skill in the art because of the fact that Akinpelu teaches the alternate routing of an LNP phone call to different

carriers, and with Bergman's teaching of routing a phone call over VoIP to avoid toll charges the skilled artisan in telephony would have readily recognized that another alternate carrier would be VoIP in order to avoid long distance toll charges. And since both references are trying to solve similar problems involving local/virtual number portability, the skilled artisan would look to Bergman to implement their ideas in Akinpelu. Every CO switch is associated with a service provider and every terminated call is over a service provider's circuit.

Claims 11-29 are allowed.

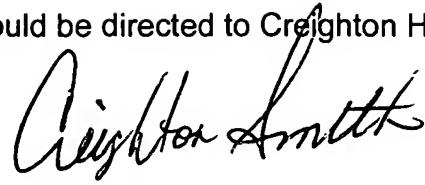
Claims 31 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2645

Any inquiry concerning this communication should be directed to Creighton H Smith at telephone number 571/272-7546.

A handwritten signature in black ink, appearing to read "Creighton H Smith". The signature is written in a cursive, flowing style with a large initial "C".

21 SEP '05

Creighton H Smith
Primary Examiner
Art Unit 2645